



U.S. Department of Justice  
Federal Bureau of Prisons  
Metropolitan Detention Center  
100 29<sup>th</sup> Street  
Brooklyn, New York 11232

October 3, 2018

Honorable Joseph F. Bianco  
United States District Court Judge  
Eastern District of New York  
100 Federal Plaza  
Courtroom 1040  
Central Islip, New York 11722

RE: United States v. Phillip A. Kenner  
Phillip A. Kenner, Register Number 07480-408  
Docket No. 13 CR-00607 (JFB)

Dear Judge Bianco:

I write in response to the Court conference on Monday October 1, 2018, regarding Phillip A. Kenner, Register Number 07480-408, a federal inmate currently housed at the Metropolitan Detention Center, Brooklyn (MDC Brooklyn). Specifically, the Court asked that the MDC respond to certain requests by Mr. Kenner, namely whether he could have a "writable" hard drive and whether he could bring his folder of legal documents and paperwork to the East Visiting Room for discovery review.

As an initial matter, the AUSA and I have discussed and agreed that, with the appropriate approval from the legal department, Mr. Kenner's stand-by counsel could bring in a hard drive, save the information from the laptop onto the hard drive, and take it back out. MDC Brooklyn allows attorneys to bring in hard drives normally through special procedures for discovery review.

MDC Brooklyn will not permit Mr. Kenner to bring paperwork to the East Visiting Room. The original purpose behind arranging for the review of laptops in the East Visiting room was to facilitate digital discovery review for inmates. Specifically, laptops are permitted in cases where there is proprietary software that is unable to be downloaded on MDC inmate desktop computers, or in cases where there is an exorbitant amount of discovery. Laptops are the property of and provided by the government, and should only be used for discovery review purposes. The laptops should be free from any word processing, internet, games, and other non-essential discovery review programs. Word processing programs are solely provided for inmates to review discovery provided in that format.

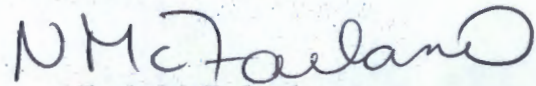
It has come to our attention that Mr. Kenner has been using the government laptop for his own purposes to prepare legal documents and save work to the computer. While MDC understands that Mr. Kenner is proceeding pro se, we have many pro se inmates and policy



does not permit any of them to utilize government laptops or institutional desktops to create documents, spreadsheets, etc. Inmates are only permitted to use these computers to review digital discovery. With regard to him bringing his legal paperwork to the East Visiting room, the institution has security concerns with this practice and, therefore, the only things he should be allowed to bring with him are a pen and paper to take notes on the discovery he is reviewing. While previous officers have allowed him to bring the paperwork, this was in error and MDC will no longer permit the practice. Mr. Kenner can prepare his legal documents like all other inmates, including other pro se inmates, on his unit or in the law library.

In conclusion, I trust this respectfully demonstrates MDC Brooklyn's position. If you have any questions or concerns regarding this matter, please contact me at (718)840-4200, extension 4740.

Sincerely,

A handwritten signature in dark ink, appearing to read "NMcfarland", with a large, stylized loop at the end.

Nicole McFarland  
Senior Staff Attorney